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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/430,354

10/28/1999

STEPHEN K. JOHNSON

10992660-1

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22879 7590 11/01/2007

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EXAMINER

WORKU, NEGUSSIE

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/430,354

Applicant(s)

JOHNSON ET AL.

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,8,11,13 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,8,11,13 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This is a replay to the application filed on 04/09/07, in which, claims 1, 6, 8, 11, 13 and 19 are pending. Claims 1, 8 and 13 are independent, and claims 6, 11 and 19 are dependent, and claims 2-5, 7, 9-10, 12, 14-18 and 20 are cancelled.

Response to Amendment

2. Applicant's arguments with respect to the above-identified claims 1, 8 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6, 8, 11, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka et al. (USP 6,879,411), Takaoka (USP 4,975,783).

With respect to claim 1, Otsuka teaches a system (a facsimile system fig 1 and 2) for electronically transmitting to an electronic mail (e-mail) server electronic data derived from optically scanning a document, a method for recovering from an interruption in electrical power causing a failure in the complete transmission of the electronic data to the e-mail server, the method (a facsimile system includes a facsimile reading image data from original, a computer transmitting method to and receiving from the facsimile machine, as shown in fig 2) comprising: storing the electronic data to a non-volatile storage device (telephone directory stored in EEPROM 33 of fig 5, col.6, lines 55-59); transmitting the electronic data to the e-mail server (facsimile machine 10 of fig 2, exchange data with PC 2 of fig 2 via internet of fig 1, col.8, lines 15-20); removing the electronic data from the storage device (EEPROM 33 of fig 5) after the electronic data has been completely transmitted to the e-mail server (CPU 30 of fig 5, transmit the electronic mail accompanying the image data obtained from by scanning [step 162] col.8, line10-15).

Although Otsuka teaches controlling a power supply to a facsimile machine as discussed in col.6, lines 40-50). However, Otsuka fails explicitly to teach determining if the electronic data is present on the storage device after the interruption in electrical power; and if the electronic data is determined to be present on the storage device after the interruption in electrical power, resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the e-mail server.

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Takaoka in the same area of facsimile machine having error correction mode (fig 1) teaches determining if the electronic data is present on the storage device after the interruption in electrical power (system controller 11 of fig 1, determine the cutoff the power supply to show in the memory 5, col.8, lines 30-35); and if the electronic data is determined to be present on the storage device after the interruption in electrical power (col.8, lines 35-40), resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the e-mail server, (system controller 11 of fig 1, determine the cutoff the power supply to show in the memory 5, col.8, lines 30-35).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Otsuka et al. to include: determining if the electronic data is present on the storage device after the interruption in electrical power; and if the electronic data is determined to be present on the storage device after the interruption in electrical power, resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the e-mail server.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Otsuka by the teaching of Takaoka for the purpose of obtaining an information that intended to be transmitted do not lost due to power outage or power failure, so that a user can get a confirmation if the data is transmitted successfully to the intended addresses.

With respect to claim 6, Otsuka teaches a method (a facsimile system fig 1 and 2), further including confirming receipt of all of the electronic data by the e-mail server (a data received via internet (SMTP) from facsimile device 10, is confirmed by PC 2 side of the facsimile machine 1 of fig 1).

With respect to claim 8, Otsuka teaches a system (a facsimile system fig 1 and 2) for recovering from an interruption in electrical power causing a failure in the complete transmission of electronic data to an e-mail server, (fig 1, shows a PC 2, connected to the internet), which is a server the system (system of fig 1) comprising; scanning hardware for optically scanning a document to create electronic data (facsimile device 3 of fig 5, comprises scanner 38 of fig 5); a non-volatile storage device for storing the electronic data (EEPROM 33 of fig 5); means (facsimile machine 3, via internet) for transmitting the electronic data to the e-mail server (PC 2 of fig 2); means (CPU 2 of fig 5) for removing the electronic data from the storage device after the electronic data has been completely transmitted to the e-mail server (CPU 2, remove or erase the data from the storage); means (computer 2 of fig 2) for determining if the electronic data is present on the storage device after the interruption in electrical power (CPU 2 of fig 2, determine if the data is still there in the storage device after an error is occur in the system [step 162) col.8, line10-15).

Although Otsuka teaches controlling a power supply to a facsimile machine as discussed in col.6, lines 40-50). However, Otsuka fails explicitly to teach determining if

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the electronic data is present on the storage device after the interruption in electrical power; and if the electronic data is determined to be present on the storage device after the interruption in electrical power, resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the e-mail server.

Takaoka in the same area of facsimile machine having error correction mode (fig 1) teaches determining if the electronic data is present on the storage device after the interruption in electrical power (system controller 11 of fig 1, determine the cutoff the power supply to show in the memory 5, col.8, lines 30-35); and if the electronic data is determined to be present on the storage device after the interruption in electrical power (col.8, lines 35-40), resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the e-mail server, (system controller 11 of fig 1, determine the cutoff the power supply to show in the memory 5, col.8, lines 30-35).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Otsuka et al. to include: determining if the electronic data is present on the storage device after the interruption in electrical power; and if the electronic data is determined to be present on the storage device after the interruption in electrical power, resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the e-mail server.

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It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Otsuka by the teaching of Takaoka for the purpose of obtaining an information that intended to be transmitted do not lost due to power outage or power failure, so that a user can get a confirmation if the data is transmitted successfully to the intended addresses.

With respect to claim 11, Otsuka teaches a system (a facsimile system fig 1 and 2), further including means (computer 2 of fig 2) for confirming receipt of all of the electronic data by the e-mail server (a data received via internet (SMPT) from facsimile device 10, is confirmed by PC 2 side of the facsimile machine 1 of fig 1).

With respect to claim 13, Otsuka a program storage system (a computer 2 of fig 1) readable by a computer, (computer PC 2 of fig 2) tangibly embodying a program, applet, or instructions executable by the computer to perform method steps for recovering from an interruption in electrical power causing a failure in a complete transmission of electronic data to an e-mail server, the electronic data derived from optically scanning a document, the method steps (computer 2 of fig 2, having at least one of the above discussed program stored in the hard drive of the computer, for further executing a steps of the transmission of image data between sending and receiving device, via internet as shown in fig 1), comprising: storing the electronic data to a non-volatile storage device; storing the electronic data to a non-volatile storage device (telephone directory stored in EEPROM 33 of fig 5, col.6, lines 55-59); transmitting the electronic data to the e-mail server (facsimile machine 10 of fig 2, exchange data with PC 2 of fig 2 via internet of fig 1, col.8, lines 15-20); removing the electronic data from

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the storage device (EEPROM 33 of fig 5) after the electronic data has been completely transmitted to the e-mail server (CPU 30 of fig 5, transmit the electronic mail accompanying the image data obtained from by scanning [step 162) col.8, line10-15).

Although Otsuka teaches controlling a power supply to a facsimile machine as discussed in col.6, lines 40-50). However, Otsuka fails explicitly to teach determining if the electronic data is present on the storage device after the interruption in electrical power; and if the electronic data is determined to be present on the storage device after the interruption in electrical power, resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the e-mail server.

Takaoka in the same area of facsimile machine having error correction mode (fig 1) teaches determining if the electronic data is present on the storage device after the interruption in electrical power (system controller 11 of fig 1, determine the cutoff the power supply to show in the memory 5, col.8, lines 30-35); and if the electronic data is determined to be present on the storage device after the interruption in electrical power (col.8, lines 35-40), resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the e-mail server, (system controller 11 of fig 1, determine the cutoff the power supply to show in the memory 5, col.8, lines 30-35).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Otsuka et

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al. to include: determining if the electronic data is present on the storage device after the interruption in electrical power; and if the electronic data is determined to be present on the storage device after the interruption in electrical power, resuming the transmission of the electronic data to the e-mail server or restarting the transmission of the electronic data to the e-mail server.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Otsuka by the teaching of Takaoka for the purpose of obtaining an information that intended to be transmitted do not lost due to power outage or power failure, so that a user can get a confirmation if the data is transmitted successfully to the intended addresses.

With respect to claim 19, Otsuka teaches a program storage system (a facsimile system fig 1 and 2), including the method step, confirming receipt of all of the electronic data mail server ((personal computer 2 of fig 2, having a program stored in a storage device of the PC 2 of fig 1, for confirming receipt of all of the electronic data mail server).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

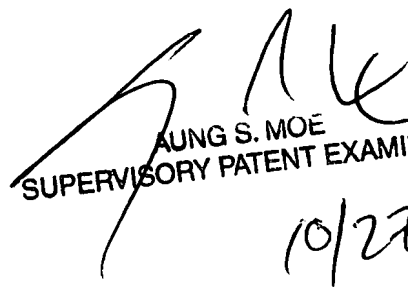
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NW

10/18/07


AUNG S. MOE
SUPERVISORY PATENT EXAMINER
10/27/07